

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RAYMOND A. BEN,

Petitioner,

v.

JAMES SPALDING,

Respondent.


CASE NO. C04-2158P

ORDER DISMISSING § 2254 PETITION

The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, respondent's answer, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's habeas petition (Dkt. # 8) is DISMISSED pursuant to 28 U.S.C. §2254(b).
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Donohue.

DATED this _11th day of ___April_____, 2005.


Marsha J. Pechman
U.S. District Judge

ORDER DISMISSING § 2254 PETITION

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